REMARKS

Claims 1-15 are pending in the application. In the final Office Action dated October 17, 2006, the Examiner made the following disposition:

A.) Rejected claims 1, 2, 4-8, and 10-15 under 35 U.S.C. §102(e) as allegedly being anticipated by *Devine, et al. (U.S. Publication No. 2002/0095399)("Devine")*.

B.) Rejected claims 3 and 9 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Devine* in view of *Bracho, et al. (U.S. Patent No. 6,021,443)("Bracho")*.

Applicant respectfully traverses the rejection and addresses the Examiner's disposition below. Claims 1, 7, 13, and 14 have been amended. Claim 15 has been canceled.

A.) Rejection of claims 1, 2, 4-8, and 10-15 under 35 U.S.C. §102(e) as allegedly being anticipated by *Devine, et al. (U.S. Publication No. 2002/0095399)("Devine")*:

Applicant respectfully traverses the rejection.

Applicant's independent claims 1, 7, 13, and 14, each as amended, each claim subject matter relating to providing a datatype that has a metadata that describes a data and a reference to the data. The data is maintained separately from the datatype. The metadata includes a key that enables the datatype to be joined with other datatypes having the key in their respective metadata. The datatype is published. A subscriber asynchronously receives the datatype responsive to subscribing to the datatype, subscribes to the other datatypes responsive to identifying the key in the received datatype, and asynchronously receives the other datatypes that have the key in their respective metadata responsive to subscribing to the other datatypes.

This is clearly unlike *Devine*, which fails to disclose or suggest a subscriber that asynchronously receives a datatype responsive to subscribing to the datatype, subscribes to other datatypes having a key responsive to identifying the key in the received datatype, and asynchronously receives the other datatypes that have the key in their respective metadata responsive to subscribing to the other datatypes.

To begin with, *Devine* fails to even mention keys. The Examiner appears to argue that *Devine* inherently discloses keys. *Office Action of 10/17/06*, page 13. Applicant disagrees. *Devine* discloses that a subscriber may request some or all of the data provided by a publisher:

> **The subscriber to a data Retrieval service generally has the option to choose to use some, or all of the data made available by the publisher.** It is noted that in the preferred implementation all data specified in the service output is delivered to the subscriber. The subscriber then decides what data to use and what to ignore. **The service metadata describes the data provided by the service, and the subscriber uses an interface to this metadata to specify what should be used**.
>
> *Devine* [0064] (emphasis added).

Devine further describes that retrieval services can combine data from various sources into a data warehouse. *Devine* [0073]. The Examiner argues that "the metadata must contain keys" in order allow *Devine* to combine data. *Office Action of 10/17/06*, page 13. Applicant disagrees. "Inherency may not be established by probabilities of possibilities. The mere fact a certain thing may result from a given set of circumstances is not sufficient." *Cont'l Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1269 (Fed. Cir. 1991). *Devine* fails to even mention keys. Although there may be a possibility that *Devine* might be implemented using keys, *Devine* could also be implemented without using keys. For example, each of *Devine's* retrieval services could look for specific data without using keys. Then, the retrieved data acquired using the various retrieval services could be compiled in the data warehouse. Thus, *Devine* fails to inherently disclose keys. For at least this reason, *Devine* fails to anticipate claims 1, 7, 13, and 14.

Further, fails to disclose or suggest a subscriber that asynchronously receives a datatype responsive to subscribing to the datatype, subscribes to other datatypes having a key responsive to identifying the key in the received datatype, and asynchronously receives the other datatypes that have the key in their respective metadata responsive to subscribing to the other datatypes. As discussed above, *Devine* describes that different retrieval services can combine data from various sources into a data warehouse. *Devine* [0073]. This is unrelated to a single subscriber receiving a datatype and then subscribing to other datatypes based on a key identified in the first-received datatype. Instead, *Devine* merely relates to different subscribers each receiving data and then sending the data to a common data warehouse. For at least this additional reason, *Devine* fails to disclose or suggest claims 1, 7, 13, and 14.

Claims 2, 4-6, 8, and 10-12 depend directly or indirectly from claim 1 or 7 and are therefore allowable for at least the same reasons that claims 1 and 8 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 3 and 9 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Devine* in view of *Bracho, et al. (U.S. Patent No. 6,021,443)("Bracho")*:

Applicant respectfully disagrees with the rejection.

Applicant's independent claims 1 and 7 are allowable over *Devine* as discussed above. *Bracho* still fails to disclose or suggest a subscriber that asynchronously receives a datatype responsive to subscribing to the datatype, subscribes to other datatypes having a key responsive to identifying the key in the received datatype, and asynchronously receives the other datatypes that have the key in their respective metadata responsive to subscribing to the other datatypes.

Claims 3 and 9 depend directly or indirectly from claim 1 or 7 and are therefore allowable for at least the same reasons that claims 1 and 7 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-14 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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